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UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548



IN REPLY REFER TO: B-194024

OFFICE OF GENERAL COUNSEL

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APR 9 1981

Mr. Robert L. Reynolds
27447 S.W. 145th Avenue
Naranja, Florida 33032

Dear Mr. Reynolds:

This is in response to your letter of March 4, 1981, requesting that the retroactive temporary promotion authorized in Comptroller General's decision Matter of Robert L. Reynolds, B-194024, July 25, 1980, be changed to a permanent promotion.

Authority for your temporary promotion was found in the decisions Matter of Turner-Caldwell, 55 Comp. Gen. 539 (1975) and 56 id. 427 (1977) as further implemented by Civil Service Commission (now Office of Personnel Management) regulations found at subchapter 8, chapter 300 of the Federal Personnel Manual. Under that authority an employee detailed to a higher grade position without prior approval by the Commission for more than 120 days is entitled to retroactive temporary promotion for that part of the detail beginning on the 121st day. This is an exception to the general rule that an employee is entitled only to the salary of his appointed position regardless of the duties he actually performs. There is no authority in the Turner-Caldwell case to grant a permanent promotion to the position involved in the detail. 57 Comp. Gen. 427, supra.

Accordingly, your March 4 letter provides no basis upon which the Comptroller General's decision of July 25, 1980, may be reconsidered.

Sincerely yours,

Edwin J. Monsma

Edwin J. Monsma
Assistant General Counsel

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